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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,846	07/24/2003	Donald A. Zick	14066.0003	8937
27195	7590	09/25/2007	EXAMINER	
AMIN. TUROCY & CALVIN, LLP			HOMAYOUNMEHR, FARID	
24TH FLOOR, NATIONAL CITY CENTER			ART UNIT	PAPER NUMBER
1900 EAST NINTH STREET			2132	
CLEVELAND, OH 44114				
NOTIFICATION DATE		DELIVERY MODE		
09/25/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/625,846	ZICK ET AL.	
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 and 21-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 11-20 and 26-44 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>multiple</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of Group I, including claims 1-10, 21-25 in the reply filed on 7/5/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement PTO-1449

2. The Information Disclosure Statements submitted by applicant on 1/14/2004, 6/18/2004, and 11/4/2004 have been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 21-25 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is not patent eligible subject matter, as it is directed to sending messages, which does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-10, and 21-25 rejected under 35 U.S.C. 102(b) as being anticipated by Sanmugam (US Patent No. 5,978,669, dated 11/2/1999).

6.1. As per claim 1, Sanmugam is directed to a method for registering two network devices with each other, comprising the steps of: launching a registration process at said two network devices with a pair of registration triggers supported on said two network devices within a predetermined time interval of one another (col. 2 lines 37-67 describes the registration process in a cellular system. The time-based registration is performed at predefined periodic time intervals. In each registration period, the base station sends a time constant to mobile units. Each mobile unit requests a registration in time periods, which are calculated based on the time constant they received from the base station. The registration request from the mobile unit is confirmed by the base station within the period); transmitting registration information between said two network devices (col. 4 lines 22-36); generating a secret at at least one of said two network devices, thereby providing an authenticated communications capability

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between said two network devices; and communicating an acknowledgement between said that the secret is shared between said two network devices (Sanmugam directs to authenticated communication based on generated secretes, as he suggests using standards such as IS-54 and IS-41 for encryption and authentication between the mobile station and base station (see for example col. 7 lines 42-65). IS-54 and IS-41 describe generation of secrets and authentication).

6.2. As per claim 2, Sanmugam is directed to the method of claim 1, further comprising the steps of: monitoring said registration process for registration communications emitting from a third device; completing said registration process if no said registration communications emitting from a third device is detected; and not completing said registration process if registration communications from a third device are detected (col. 8 lines 14-30 shows that if two mobile units are transmitting mobile identifying data (registration data) in the same channel a fraud is detected, and therefore the registration must not be completed. Also see Figs 3A and 3B and the associated text, particularly section titled Multiple Access).

6.3. As per claim 3, Sanmugam is directed to the method of claim 1, further including a step of generating a pseudonym designating at least one of said two network devices (See section titled Subscriber Identification and Validation, starting at col. 3, line 44. As another example, see section 2.2 of "CDMA 1XRTT Security Overview", describing

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Anonymity for CDMA systems, which are part of IS-41 recommendations, suggested by Sanmugam).

6.4. As per claim 4, Sanmugam is directed to the method of claim 1, wherein said registration information does not include a plain-text identity of at least one of said two network devices, thereby making said registration process at least partially hidden (Sanmugam suggests encrypting communications between the base station and the mobile unit to protect the identity of the mobile unit (see sections titled Hijacking Fraud and Fraud Summary, starting at col. 7 line 22. Therefore, the identities are not sent in plain-text. Also see response to claim 3).

6.5. As per claim 5, Sanmugam is directed to the method of claim 1, wherein registration information includes PIN number information (col. 2, lines 44 to 67).

6.6. Limitations of claims 6-10, and 21 to 25 are substantially the same as claims 1-6 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571

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272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

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Benjamin E. Lanier
Examiner AU 2132